

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
**UNITED STATES OF AMERICA**

**08 Cr. 1220 (PKC)**

**NOTICE OF MOTION**

**- against -**

**JOHN A. GOTTI,**

**Defendant.**

-----X

**PLEASE TAKE NOTICE** that, upon the accompanying memorandum of law and the exhibits thereto, JOHN A. GOTTI will move this Court, before the Honorable P. Kevin Castel, at the courthouse located at 500 Pearl Street, New York, New York, at a date and time to be set by the Court, for an order, pursuant 18 U.S.C. §3145 (b), revoking the order of detention issued by Magistrate Judge Ronald L. Ellis and granting defendant bail pending trial.

Dated: New York, New York  
January 5, 2009

Respectfully submitted,

\_\_\_\_\_  
/s/  
SETH GINSBERG  
Attorney at Law  
225 Broadway, Suite 715  
New York, New York 10007  
212-537-9202  
646-607-8597 (fax)  
srginsberg@mac.com

To: AUSA Elie Honig  
United States Attorney's Office  
Southern District of New York  
One Saint Andrew's Plaza  
New York, New York 10007